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ACTION AF-01

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	OASY-00	DODE-00	SRPP-00
	EB-01	H-01	TEDE-00	INR-00	IO-08	LAB-01	L-01
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	PM-00	PRS-01	P-01	SP-00	SS-00	STR-01	TRSE-00
	T-00	USIE-00	PMB-00	PRME-01	DRL-09	G-00	/031W

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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC 0851
INFO RWANDA COLLECTIVE

C O N F I D E N T I A L KIGALI 001937

E.O. 12356: 20 YEARS
TAGS: PHUM, KJUS, PGOV, RW
SUBJECT: PARLIAMENT REJECTS SUPREME COURT NOMINEES;
A SEARCH FOR UNTAINTED JUDGES BEGINS ANEW

1. CLASSIFICATION AS MARKED.

2. (U) THE NATIONAL ASSEMBLY, HAVING DEBATED THE
GOVERNMENTS'S LIST OF TWELVE NOMINEES FOR SIX
POSITIONS ON THE SUPREME COURT, HAS FINALLY
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REJECTED THE ENTIRE LIST AND SENT IT BACK TO

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GOVERNMENT. THIS IS A FURTHER SETBACK TO THE BEGINNING OF THE JUDICIAL PROCESS, BECAUSE ALL RWANDAN JUDGES DERIVE THEIR AUTHORITY FROM THE SUPREME COURT; IN THE ABSENCE OF A SUPREME COURT A JUDGE CAN IN THEORY HOLD A TRIAL, BUT THE LACK OF THE OVERARCHING PRESENCE OF THE SUPREME COURT IS A BASIS FOR THE QUASHING OF A VERDICT. IT'S RATHER THE WAY BISHOPS TRACE THEIR AUTHORITY TO ORDAIN PRIESTS BACK TO ST. PETER. (NOTE: THIS IS AS NON-LAWYER DRAFTING OFFICER UNDERSTANDS THE SITUATION.)

3. (U) POLITICS, SUCH AS THEY ARE: THE LIST WAS
----- REJECTED
BECAUSE OF EXTREME DISSATISFACTION WITH THE TWO NAMES PROPOSED FOR THE COURT'S PRESIDENCY, ALBERT MUHAYEYEU, PRESIDENT OF THE COURT OF APPEALS IN RUHENGERI, AND VENANT NZAMUKWEREKA, JUDGE IN THE COUR DE CASSATION IN KIGALI. BOTH SERVED AS JUDGES UNDER THE FORMER REGIME AND THEIR SYMPATHIES WERE SUSPECT BY MORE RADICAL ELEMENTS WITHIN THE PARLIAMENT. THE REJECTION OF THE ENTIRE LIST WAS SIMPLY COVER FOR THE ASSEMBLY'S REFUSAL TO STOMACH EITHER MAN AS PRESIDENT OF THE COURT. WE DO NOT HAVE A FIRM HANDLE ON WHO THE RADICAL ELEMENTS ARE, WHETHER THEY REPRESENT POLITICAL TENDENCIES OR PERSONAL, WHETHER IN FACT THEY ARE FRONTING FOR GOVERNMENT ELEMENTS OR OTHER ELEMENTS. IN ANY CASE, THE REJECTION IS A SETBACK FOR THE TWAGIRAMUNGU GOVERNMENT WHICH MUST NOW BEGIN ANEW.

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4. (U) IPSO FACTO: ONE WILL NOT FIND EXPERIENCED
----- JUDGES WHO DID NOT SERVE UNDER
THE PREVIOUS REGIME. QUALIFIED JURISTS, PERHAPS,
BUT NOT EXPERIENCED JUDGES. IF ALL WHO DISPENSED
JUSTICE ARE SUSPECT, JUSTICE WILL BE SUSPECT; THE
MOTTO OF THE COURT OF APPEALS IS "JUSTICE IS
RENDERED IN THE NAME OF THE PEOPLE": THE CURRENT
BATTLE IS TO DECIDE WHO SPEAKS FOR THE PEOPLE. AND
YET IT IS SELF-EVIDENT THAT THE COUNTRY MUST HAVE
JUDGES.

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5. (C) COMMENT: THERE ARE THOSE WHO ARE PREPARED TO WAIT A LONG TIME FOR JUSTICE. GENOCIDE HAPPENED, PEOPLE WERE ARRESTED, SOME AT LEAST MUST BE GUILTY, WHY QUIBBLE OVER DUE PROCESS? FURTHER, JUSTICE AND ITS DISPENSATION IS AN IDEAL POLITICAL ISSUE IN A COUNTRY WHERE POLITICS IS JUST BEGINNING. EVERYONE HAS AN OPINION, EVERYONE CAN CLAIM TO HAVE BEEN AFFECTED BY THE GENOCIDE, EVERYONE CAN ASK: WHICH SIDE ARE YOU ON?

6. (C) COMMENT CONTINUED: AS INTERESTING AS THE PARLIAMENT'S REFUSAL TO ACCEPT THE GOVERNMENT'S LIST IS THE ROLE OF THE NATIONAL ASSEMBLY ITSELF. CRAFTED AT ARUSHA, IT GIVES FIVE SELF-STYLED POLITICAL PARTIES WHO NEVER CONTESTED ANY ELECTION EQUAL REPRESENTATION, REQUIRING FORGED ALLIANCES IN ORDER TO CARRY ANY MOTION. THE PARLIAMENT COULD TURN OUT TO BE A CAT'S PAW FOR THE RPF OR SPECIAL INTEREST GROUPS. IT COULD TURN OUT TO BE AN OBSTACLE TO THE PROCESS OF GOVERNANCE, REPRESENTING

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NOTHING BUT INFLUENCE AND SELF-AGGRANDIZEMENT, MOCKING BY ITS EXISTENCE THE PROCESS THAT PUT IT IN PLACE. WE SEE NO SIGN YET THAT IT IS SERVING A CONSTRUCTIVE ROLE IN BUILDING REPRESENTATIVE GOVERNMENT. ON THE OTHER HAND, VICE PRESIDENT KAGAME TOLD AMBASSADOR AND VISITING USAID CHIEF OF STAFF MCCALL JUNE 20 THAT THE WHOLE SUPREME COURT QUESTION, PENDING NOW FOR SIX MONTHS, COULD BE CLEARED UP 'IN A WEEK OR SO.' RAWSON

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